REMARKS/ARGUMENTS

Claims 1-70 are pending in the application. Claims 1-70 stand rejected as obvious under 35 U.S.C. § 103(a).

Claim Amendments

Amended independent claims 1 and 36 propose, respectively, a method and system of promoting banking services that involves:

- receiving at an automatic teller machine (ATM) a transaction request from an ATM user <u>for a transaction for which a convenience fee is charged if the user is a non-customer</u>, wherein the ATM comprises a display screen (<u>See</u>, e.g. Specification, p. 1, lines 15-20);

- determining that the ATM user comprises a non-customer

- displaying information related to an incentive program for non-customers on the display screen, wherein the information prompts the ATM user for a response;

- receiving the response from the ATM user;

- enrolling the ATM user in the incentive program;

- <u>accumulating award points in an incentive program account for the enrolled non-customer ATM user in connection with each succeeding transaction request from the enrolled non-customer ATM user</u>; and (<u>See</u>, e.g., Specification, p. 8, line 23-p. p. 9, line 3; p.9, lines 12-15; and p. 11, lines 3-15)

- <u>discounting at least a portion of the convenience fee for the enrolled non-customer ATM user when a pre-determined award points balance is accumulated in the incentive program account</u> (<u>See</u>, e.g., Specification, p. 9, line 3-8; and p. 11, lines 3-15).

Claims 15 and 51 are canceled and claims 6, 16, 20, 21, 30, 41, 52, 55, 56, and 65 are amended to address editorial issues raised by the amendment of claims 1 and

36. Support for the foregoing amendment is found throughout the specification and in the claims and as detailed above. Accordingly, no new matter has been added.

Claim Rejections - 35 U.S.C. §103

Claims 1-70 stand rejected as obvious over Blumberg (6,260,758) in view of Kalthoff (6,026,382) under 35 U.S.C. §103(a). The rejection is traversed and reconsideration is requested.

With regard to independent claims 1 and 36, the Examiner considers that Blumberg teaches each and every element of each of claims 1 and 36 except determining that the ATM user comprises a non-customer, which the Examiner considers to be taught by Kalthoff.

On the contrary, there is no motivation to modify Blumberg in view of Kalthoff and the proposed modification lacks one or more limitations recited in each of amended independent claims 1 and 36 in at least the following respects:

- Blumberg fails to teach or suggest receiving at an automatic teller machine (ATM) a transaction request from an ATM user <u>for a transaction for which a convenience fee is charged if the user is a non-customer</u>, as recited in amended claims 1 and 36. On the contrary, by the Examiner's admission, Blumberg has no functionality for determining that the ATM user comprises a <u>non-customer</u>

- Blumberg also fails to teach or suggest determining that the ATM user comprises a <u>non-customer</u>, displaying information related to an incentive program for <u>non-customers</u> on the display screen, wherein the information prompts the ATM user for a response, receiving the response from the ATM user, and/or enrolling the ATM user in the incentive program, as recited in claims 1 and 36. On the contrary, as admitted by the Examiner, Blumberg fails to disclose determining that the ATM user comprises a <u>non-customer</u>. Therefore, as common sense would dictate, Blumberg likewise fails to disclose displaying information related to an incentive program for <u>non-customers</u> on

the display screen, receiving a response, and enrolling the ATM user in the incentive program. Moreover, according to Blumberg, if a particular transaction requested by a <u>customer</u> at an ATM qualifies the <u>customer</u> for a promotion, a promotion server merely causes the ATM to print and deliver a <u>paper transaction receipt</u> to the <u>customer</u> with a promotion message on the bottom telling the <u>customer</u> how to follow up on the promotion. (<u>See</u>, e.g. Blumberg, Col. 2, lines 35-65; Col 7, lines 34-57; and Figs. 6A-6D)

- Nor is there a hint of teaching or suggestion in Blumberg of <u>accumulating award points in an incentive program account for the enrolled non-customer ATM user in connection with each succeeding transaction request from the enrolled non-customer ATM user</u> and/or <u>discounting at least a portion of the convenience fee for the enrolled non-customer ATM user when a pre-determined award points balance is accumulated in the incentive program account,</u> as recited in amended claims 1 and 36. On the contrary, by the Examiner's admission, Blumberg fails to disclose determining that the ATM user comprises a <u>non-customer</u>. Therefore, common sense likewise dictates that Blumberg likewise fails to disclose accumulating award points for the enrolled <u>non-customer</u> ATM user and/or discounting at least a portion of the convenience fee for the enrolled <u>non-customer</u> ATM user when a pre-determined award points balance is accumulated. Further, as noted above, Blumberg teaches that if a particular transaction requested by a <u>customer</u> at and ATM qualifies the <u>customer</u> for a promotion, a promotion server merely causes the ATM to print and deliver a <u>paper transaction receipt</u> to the <u>customer</u> with a <u>promotion message printed on the bottom of the paper receipt</u> telling the <u>customer</u> how to follow up on the promotion. (<u>See</u>, e.g. Blumberg, Col. 2, lines 35-65; Col 7, lines 34-57; and Figs. 6A-6D)

Kalthoff fails to cure the deficiencies of Blumberg in at least the following respects:

- Instead of receiving at an automatic teller machine (ATM) a transaction request from an ATM user <u>for a transaction for which a convenience fee is charged if the user is a non-customer</u>, determining that the ATM user comprises a <u>non-customer</u>, displaying information related to an incentive program for <u>non-customers</u> on the display screen, wherein the information prompts the ATM user for a response, receiving the response from the ATM user, and/or enrolling the ATM user in the incentive program, as recited in amended claims 1 and 36, Kalthoff merely discloses a well-known relational database management system in which a database storing party data, product data, account data, organizational data, contact data, location data, campaign data, and channel data can be accessed to display relationships between the data and apply rules to the data. (<u>See</u>, e.g., Kalthoff, Col 4, line 1-Col 6, line 50; and Col 8, lines 11-42).

- Nor is there a hint of teaching or suggestion in Kalthoff of <u>accumulating award points in an incentive program account for the enrolled non-customer ATM user in connection with each succeeding transaction request from the enrolled non-customer ATM user</u> and/or <u>discounting at least a portion of the convenience fee for the enrolled non-customer ATM user when a pre-determined award points balance is accumulated in the incentive program account</u>, as recited in amended claims 1 and 36. On the contrary, as noted above, Kalthoff discloses nothing more than a well-known relational database management system in which a database storing party data, product data, account data, organizational data, contact data, location data, campaign data, and channel data can be accessed to display relationships between the data and apply rules to the data. (<u>See</u>, e.g., Kalthoff, Col 4, line 1-Col 6, line 50; and Col 8, lines 11-42).

Consequently, Blumberg and/or Kalthoff, separately or in combination with one another, do not recite the required combinations of limitations of amended independent claims 1 and 36. Because each and every element as set forth in
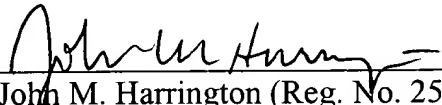
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amended claims 1 and 36 is not found, either expressly or inherently, in Blumberg and/or Kalthoff, the Examiner has failed to establish the required *prima facie* case of unpatentability. See In re Royka, 490 F.2d 981, 985 (C.C.P.A., 1974) (holding that a *prima facie* case of obviousness requires the references to teach all of the limitations of the rejected claim); See also MPEP §2143.03. The Examiner has failed to establish the required *prima facie* case of unpatentability for amended independent claims 1 and 36, and similarly has failed to establish a *prima facie* case of unpatentability for claims 2-35 that depend on claim 1 and claims 37-70 that depend on claim 36, and which recite further specific elements that have no reasonable correspondence with the references.

Conclusion

In view of the foregoing amendment and these remarks, each of the claims remaining in the application is in condition for immediate allowance. Accordingly, the examiner is requested to reconsider and withdraw the rejection and to pass the application to issue. The examiner is respectfully invited to telephone the undersigned at (336) 607-7318 to discuss any questions relating to the application.

Respectfully submitted,

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